

**REMARKS**

Claims 1-15, 17-24 and 26-39 are pending in this application. No new matter is added by this amendment.

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

**I. CLAIM OBJECTIONS**

Claim 13 is objected to under 37 C.F.R. §1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

In response, the above amendment cancels claim 13.

**II. CLAIM REJECTIONS - 35 USC § 112**

Claims 27 and 38 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner indicates that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner identifies two terms in claims 27 and 38 as allegedly not being disclosed in the specification: “computer program product” and “computer executable program code”.

In response, the Applicant presents quotations from selected paragraphs of the specification, that support both the term “computer program product” and the term “computer executable program code” in claims 27 and 38.

Claims 27 and 38 are directed to a “computer program product” for use in the mobile station 20. The mobile station 20 includes a computer (the MCU microprocessor) in the control unit 24 to execute “computer executable program code”, and a memory (memory MEM) in the control unit 24, which is a “computer readable medium” to store “computer executable program code”. The computer and the memory are disclosed in Figure 2 and in paragraph [0029], which reads as follows:

[0029] **The mobile station 20 comprises a control unit 24 for controlling the operation of the mobile station 20. The control unit preferably comprises a memory MEM and a processor MCU or the like, such as a micro-controller or microprocessor.**

The memory (memory MEM) in the control unit 24, which stores “computer executable program code”, is a “computer program product” in the form of a “computer readable medium”.

The mobile station 20 includes “computer executable program code” that is executed by the MCU microprocessor in the control unit 24 to perform the various operations disclosed for the mobile station 20. This is disclosed in paragraph [0055] and [0037], which read as follows:

[0055] ....AIRC (Access Identifier Replacement Control) protocol. **The above messages "replace\_SIM\_request", "SIM\_contents", "initiate\_call", "accept" and "reject" are all messages according to the AIRC protocol. ... the AIRC protocol can be integrated to the rest of the PDA device and mobile station software.**

[0037] If the mobile station 20 agrees to the use of the identification data of the PDA device (this naturally requires that **the mobile station has a software** that supports such a replacement of identification data), ...

The mobile station 20 includes “computer executable program code” that is executed by the MCU microprocessor in the control unit 24 to perform initialisation steps to start up the operation of the mobile station 20. This is disclosed in paragraph [0030], which reads as follows:

[0030] In the following, the operation of the method of a preferred embodiment of the invention is described in the apparatus of FIG. 2. ... **the control unit 24 of the mobile station has taken the necessary initialisation steps** to start up the operation of the mobile station 20. ... After this, the user of the mobile station 20 can, as necessary, establish a connection to the network 30 for initiating a data connection or voice call.

The mobile station 20 includes “computer executable program code” that is executed by the MCU microprocessor in the control unit 24 to perform the “replace\_SIM\_request” message operation of the mobile station 20. This is disclosed in paragraph [0036], which reads as follows:

[0036] ... The “replace\_SIM\_request” message is conveyed via the control and data bus 27 to the control unit 24 of the mobile station. **The control unit 24 of the mobile station examines the received “replace\_SIM\_request” message and takes the action it requires.** ...

The mobile station 20 includes “computer executable program code” that is executed by the MCU microprocessor in the control unit 24 in the control unit 24 to perform the “accept” or “reject” message generation operation of the mobile station 20. This is disclosed in paragraph [0038], which reads as follows:

[0038] Depending on the situation, the **control unit 24 of the mobile station generates an “accept” or “reject” message** to be transmitted via the local link 12 to the PDA device 10.

The mobile station 20 includes “computer executable program code” that is executed by the MCU microprocessor in the control unit 24 to perform the “SIM\_contents”

message operation of the mobile station 20. This is disclosed in paragraph [0041], which reads as follows:

[0041] ... **The control unit 24 of the mobile station examines the received "SIM\_contents" message and takes the action it requires.** In this case, the control unit 24 begins to register to its own network, i.e. the cellular network 30, using the user identification data of the PDA device 10, i.e. the IMSI code of the PDA device. ... instead of the user identification data of the mobile station 20, the user identification data of the PDA device 10 is used.

The mobile station 20 includes "computer executable program code" that is executed by the MCU microprocessor in the control unit 24 to perform the "authentication" message operation of the mobile station 20. This is disclosed in paragraph [0042], which reads as follows:

[0042] ... In the registration process, the **control unit 24 of the mobile station generates an "authentication" message** which contains the IMSI code, or the like, of the user of the PDA device 10. The control unit 24 conveys the "authentication" message via the control and data bus 29 to the radio part 33.

The mobile station 20 includes "computer executable program code" that is executed by the MCU microprocessor in the control unit 24 to perform the "accept" message operation of the mobile station 20. This is disclosed in paragraph [0047], which reads as follows:

[0047] .... The "accept" message is transmitted via the control and data bus 29 to **the control unit 24 which identifies the "accept" message as a response transmitted to the "authentication" message.** The "accept" message indicates to the control unit that the registration to the network 30 was successful. The mobile station 20 informs the PDA device 10 of this. This takes place in such a manner that **the control unit 24 transmits the "accept" message received from the network on to the PDA device.** ... The control unit 24 thus conveys the "accept" message to the short-range data transmission means 23.

The mobile station 20 includes “computer executable program code” that is executed by the MCU microprocessor in the control unit 24 to perform the “initiate\_call” message operation and the “call\_setup” message operation of the mobile station 20. This is disclosed in paragraph [0053], which reads as follows:

[0053] ... **The control unit 24 of the mobile station examines the received “initiate\_call” message and takes the action it requires.** In this case, the “initiate\_call” message has been transmitted to set up a data call connection. On the basis of the information in the “initiate\_call” message, **the control unit 24 generates a prior-art call set-up request, i.e. a “call\_setup” message to set up a data call.** ... The mobile station 20 transmits the “call\_setup” message via the antenna of its radio part 33 to the network 30. ... The mobile station 20 receives the message (“accept” or “reject”) transmitted by the network 30 ... **to the control unit 24. The mobile station 20 transmits the message received from the network further via the local link to the PDA device 10** to let the PDA device know whether the call set-up request was accepted or rejected. ....

The mobile station 20 may include other embodiments of the “computer executable program code”, the “computer program product”, the computer, and the memory in the control unit 24, as disclosed in paragraph [0062], which reads as follows:

[0062] This description describes the implementation and embodiments of the invention by means of examples. It is obvious to a person skilled in the art that the invention is not restricted to the details of the embodiments described in the foregoing and that the invention can be implemented in other ways without departing from the characteristics of the invention. The presented embodiments should be considered illustrative, but not restrictive.

The above quotations from selected paragraphs of the specification, support both the term “computer program product” and the term “computer executable program code” in claims 27 and 38. Thus, the Applicant believes claims 27 and 38 comply with the written description requirement of 35 U.S.C. § 112, first paragraph for both of the terms “computer program product” and “computer executable program code”.

In order to advance the state of prosecution for this issue, although the Applicant disagrees with the grounds for the Examiner's rejection, the Applicant is amending claims 27 and 38 to change the term "computer program product" in the preamble of the claims, to the term "computer readable medium". The Applicant believes this resolves the grounds for this rejection and that claims 27 and 38 and comply with 35 U.S.C. § 112, first paragraph.

### **III. CLAIM REJECTIONS - 35 USC § 103**

Claims 1-6, 10, 12-15, 17, 20, 26-30, 32, 33, and 37-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlson et al., (U.S. Publication No. 2002/0071416) in view of Schiffer (U.S. Patent No. 6,871,063).

Claims 7-9, 11, 18, 19, 21-24, 31 and 34-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlson et al. in view of Schiffer and further in view of Findikli et al. (U.S. Patent No. 6,445,914).

### **IV. APPLICANTS' RESPONSE RE CLAIM REJECTIONS - 35 USC § 103**

The Examiner admits on page five of the Office action that Carlson does not disclose establishing and authenticating a connection using the SIM information of the first wireless device by the second wireless device. Indeed, Carlson discloses that the serving wireless device 124 is an access point that provides the service to requesting devices of connecting them to the network 143 using the serving wireless device 124's own identity and then it separately bills the requesting wireless device 114. Carlson's paragraph [0041] reads as follows:

[0041] First, the non-connected wireless device employs a short-range wireless communication link to negotiate with at least one wireless connection provider for connection services. Second, once the non-connected wireless device has selected

a particular connection provider, **the connection provider provides access to the wide area network resource through the connection facility and measures the usage. Third, the wireless connection provider bills the non-connected wireless device for the provided connection services.** Fourth, the non-connected wireless device provides payment information to the wireless connection provider for enabling payment.

Carlson does not disclose the Applicant's claimed receiving at a mobile station user identification data of a first communication device over a wireless local link. Carlson also does not disclose the Applicant's claimed establishing and authenticating connection from the mobile station to the mobile station's own communications network using the received user identification data of said first wireless communication device. Contrary to the Examiner's remarks paragraph [0053] in Carlson does not disclose user identification data. The SIM mentioned therein is not a "subscriber identity module", but instead is a "system information module" (see Carlson, paragraph [0038]). There is no disclosure or suggestion in Carlson that his "system information module" would contain user identification data. There is no disclosure or suggestion in Carlson that this information would be transferred between the first communication device and the mobile station in order to establish and authenticate another connection.

The Examiner combines Carlson with Schiffer for an alleged disclosure of using SIM information for establishing and authenticating a connection to the internet using received information at the mobile phone 100 (claimed mobile phone) from entered information of wireless computer system 110. The Examiner cites Schiffer's Figure 1, abstract, and column 4, lines 5-9.

Schiffer's abstract reads as follows:

For one embodiment, a short-range, wireless communication link, such as a Bluetooth link, is established between a mobile phone and a computer system.

The mobile phone transmits an access code via the link to the computer system. The access code is generated using data stored in the subscriber identity module (SIM) in the mobile phone. Access to the computer system is granted in response to receiving the access code. In this manner, the SIM is used not only to identify the user during cellular phone calls (or other long-range, wireless communication) but also to authenticate the user and to gain access to a computer system.

Schiffer's column 4, lines 5-9 reads as follows:

For an alternate embodiment, the short-range, wireless communication link is not established automatically but rather is established in response to the user pressing a button or otherwise entering information into the mobile phone or the computer system.

Schiffer does not disclose or suggest the Applicant's claimed "establishing and authenticating connection from the mobile station to the mobile station's own communications network using the received user identification data of said first wireless communication device". Schiffer's "data stored in the subscriber identity module (SIM)" is the data identifying Schiffer's mobile phone 100, itself. There is no other SIM information from another wireless device. Indeed, there is no other wireless device besides Schiffer's mobile phone 100.

Schiffer does not disclose or suggest authenticating and establishing connection from a mobile station to its own communications using user information data from another device. The access code mentioned in Schiffer does not represent user identification data received from another device.

The Applicant's claimed invention is neither disclosed nor suggested in either Carlson, or Schiffer or their combination. The Applicant's claimed invention is patentable over this combination.

In rejecting claims 7-9, 11, 18, 19, 21-24, 31 and 34-36, the Examiner has combined Carlson in view of Schiffer and further in view of Findikli. The Examiner admits that Carlson in view of Schiffer do not disclose that the second wireless device is configured to



receive said user identification data from a user identification data identification module comprising said user identification data of the user of said first wireless communication device. The Examiner combines Carlson and Schiffer with Findikli for an alleged disclosure of a removable SIM card, citing Findikli's column 1, lines 24-25.

Findikli's column 1, lines 24-25 read as follows:

The global system for mobile communications (GSM) uses a removable subscriber identity module (SIM) card.

Findikli does not disclose or suggest the Applicant's claimed "establishing and authenticating connection from the mobile station to the mobile station's own communications network using the received user identification data of said first wireless communication device". Findikli merely installs a SIM card 12 in the mobile station 10 and stores a mobile identity number in the SIM card if the SIM card and the mobile station are valid for the cellular operator. There is no other wireless device besides Findikli's mobile phone 10.

The Applicant's claimed invention is neither disclosed nor suggested in either Carlson, or Schiffer or Findikli or their combination. The Applicant's claimed invention is patentable over this combination.

### **CONCLUSION**

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4072.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4072.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: November 4, 2008

By: 

---

John E. Hoel  
Registration No. 26,279

Correspondence Address:  
MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile